

Citizen Charter Review Committee

February 11, 2010

10 a.m. – 12 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 - 1. February 4, 2010 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 - 1. Decision Agenda
 - a. Audit Clarification
 - b. Utility Advisory Board
 - c. Limitations on Campaign Contribution
 - d. Human Rights Policy
 - 2. Staff/Consultant Discussion (Pertinent Updates)
 - a. Workshop with County Commission –
April 13, 2010
12 p.m.-1:30 p.m.
Leon County Commission Chambers
 - 3. Member Discussion (Direction to Staff/Consultant)
- IX. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for
Thursday, February 18, 2010, 5:30 p.m.*

I.

CALL TO ORDER

II.

INVOCATION AND PLEDGE

III.

ROLL CALL

IV.

APPROVAL OF MINUTES OF PREVIOUS MEEINTG

**LEON COUNTY
2009-2010 CITIZEN CHARTER
REVIEW COMMITTEE MEETING
FEBRUARY 4, 2010**

The Leon County 2009-2010 Citizen Charter Review Committee (CRC) met on February 4, 2010, in the Commission Chambers with Committee members Christopher Holley (Chair), Marilyn Wills, Catherine Jones, Chuck Hobbs, David Jacobsen, Donna Harper, Lance deHaven-Smith, Ralph Mason, Rick Bateman, Lester Abberger, Tom Napier and Sue Dick in attendance. Larry Simmons, Linda Nichol森 arrived late and Jon Ausman was absent. Also attending were County Administrator Parwez Alam, County Attorney Herb Thiele, Deputy County Administrator Vincent Long, Assistant County Attorney Patrick Kinni, Facilitator Kurt Spitzer, Special Projects Coordinator Shington Lamy, and Deputy Clerk Rebecca Vause.

I. Call to Order

Chairman Holley Called the Meeting to Order at 11:35 a.m.

II. Invocation and Pledge

The Invocation was provided by Ralph Mason. Chairman Holley then led the Pledge of Allegiance.

III. Roll Call

The Roll was conducted by Shington Lamy who confirmed that a quorum was present.

IV. Approval of Minutes of Previous Meeting (January 28, 2010)

Ms. Harper voiced an objection to the paraphrase of the legal opinion regarding the unitary system currently utilized by Duval County/Jacksonville. She also, as a matter of personal privilege, expressed concern that Roberts Rule of Order was not being followed by the Committee.

Ms. Harper placed into the Record the following excerpt from Roberts Rules of Order, "The Chairman sometimes calls a member to the chair so that he may then take part in the debate. This should rarely be done, and nothing can justify it in a case where much feeling is shown and there is a liability to difficulty in preserving the order. If the Chairman has even the appearance of being a partisan, he loses much of his ability to control those who are on the opposite side of the question. There is nothing to justify the unfortunate habit some chairmen have of constantly speaking on questions before the assembly, even interrupting the member who have the floor. One who expects to take an active part in debate should never accept the Chair or at least should not resume the Chair until after his speech and after the pending question is disposed of."

Rick Bateman moved, duly seconded by Ralph Mason, to approve the January 28, 2010 meeting minutes. The motion carried 12-1 (Donna Harper in opposition and Jon Ausman and Larry Simmons absent)

I. Reports of Chairperson

Chairman Holley discussed the change in time for the February 11, 2010 CRC meeting from 11:30 a.m. to 10:00 a.m. Mr. Lamy confirmed that the legal notice posted listed the February 11, 2010 meeting to begin at 10:00 a.m.

Ms. Harper asked that when a change is made to the scheduled meeting time that enough warning be provided; so that members with less flexible schedules can attend and participate in the meeting.

In response to a request from Chairman Holley, Kurt Spitzer provided a schedule for the upcoming public hearings. Mr. Spitzer advised that public hearings are scheduled for: February 18, March 4 and March 18 and recommended that they be held in the evening.

Lester Abberger suggested that the hearings be conducted at 5:30 p.m. This suggestion was agreed to by the Committee majority.

II. Presentations by Invited Guests/Consultant

Jim VanRiper appeared before the CRC in his role as Chair of the County's Human Relations Advisory Committee (HRAC). He offered information on the HRAC's mission and the progress being made. He advised that the HRAC is developing a draft ordinance and offered that most counties address human relations issues within an ordinance not in a Charter. He provided that the HRAC, although appreciative of the initiative, asks that the CRC rethink the idea of adding human rights as a Charter amendment.

Chairman Holley shared that this issue is on the Committee's agenda for next week and invited Mr. VanRiper to attend.

Rick Bateman established with County Attorney Thiele that the difference in the issue being addressed through Ordinance or Charter would be in the detail that would be provided by Ordinance.

Ralph Mason commented that the language discussed by the CRC at its last meeting was very broad and expressed concern that the vagueness of the statement would lead to more legal problems than the community is willing to go through. He reiterated that an ordinance would be stronger and better equipped to address these issues.

Rick Bateman moved, duly seconded by Ralph Mason, to ask the County Attorney to review the draft language proposed by the CRC and bring language back that can be "fit" into an ordinance. The motion carried 12-0 (Jon Ausman, Larry Simmons and Linda Nicholsen absent)

III. Remarks of Interested Citizens

Speakers:

- John Buss, 4437 W. Shannon Lakes Drive, stated that he was the Manager of Water Resource Engineering, Underground Utilities, City of Tallahassee. He addressed Agenda Item IX 1. b. Countywide Environmental Standards advising that this was a complicated issue that had been looked at in-depth over time by two separate groups, both determining not to move ahead with the issue. He submitted that different rules are needed for urban area and urged the Committee not to move forward with this item. However, should the issue be deemed correct, he asked that it be addressed outside of the Charter so as to allow flexibility should expected results not be realized. He cited that the County's stormwater ordinances are stricter in about 10% of the County; and the City's stricter in 23% of the County (a large part of the County is national forest that is not subject to ordinance compliance).

Lester Abberger clarified for the record that Mr. Buss was speaking as a representative of the City of Tallahassee, Underground Utilities.

- Dennis Barton, 924 Hillcrest Court, offered comment on CRC Membership/Structure. He voiced opposition to the language as proposed, as it lacks 1) a prohibition of appointees' who are active and have leadership roles in political parties or 2) positive language that supports the appointment of people who understand and know government, but are not deeply immersed on politics of government. He suggested that this type of language be included in the Charter.

IV. Unfinished Business

None

V. New Business

A. Audit Clarification

Chairman Holley announced that this issue was continued from last week's meeting. He introduced Bob Inzer, Clerk of the Court.

Mr. Spitzer, in response to request by Mr. Abberger, provided a brief overview of this issue.

Mr. Inzer acknowledged that he had raised a concern to the CRC that the Charter as currently written is not clear as to his authority to audit and had asked that language be proposed to clarify his Office's audit authority. Mr. Inzer added that the language, as proposed by the County Attorney, was very limiting and was shared with the Audit Committee who in turn expressed a concern that the proposed language would in fact limit the scope and independence of the Audit Committee and the audit function. He stated that further discussions had occurred with the County Attorney's Office and additional language had been prepared as a result. This revised language has been shared with the Audit Committee and Mr. Inzer asked that the issue be deferred until the February 11 CRC meeting to allow time for the Audit Committee to meet and provide comment.

Mr. Abberger moved, duly seconded by Donna Harper, to defer the item until the February 11, 2010 meeting.

Chairman Holley wanted to ensure that the Committee was informed of the issue so that it could be adequately addressed at the next meeting.

County Attorney Thiele, in response to Mr. Bateman, shared that an effort has been made, without conceding the state of the law, and revised language has been developed to address concerns expressed by the Clerk and the Audit Committee. Mr. Thiele indicated a desire to find a "middle ground" that the Clerk and Audit Committee has comfort with.

Mr. Bateman requested that a copy of the revised draft be e-mailed to Committee members for review prior to next week's meeting. Chairman Holley asked that the changes be identified. Mr. Thiele indicated that a copy would be distributed.

Mr. Inzer remarked that if agreement cannot be reached he would prefer that the language remain as currently stated with no change to the Charter.

Chairman Holley stated that it is the CRC's desire to address any ambiguity that may exist as current written in the Charter and encouraged Mr. Inzer and Mr. Thiele to resolve issues and bring back language that both entities can support.

The motion to defer the item until the February 11, 2010 meeting carried 14-0 (Jon Ausman absent).

b. Countywide Environmental Standards

Chairman Holley asked Mr. Spitzer to provide a brief summary of the issue. Mr. Spitzer stated that this topic originated through the CRC's discussions regarding adoption of minimal stormwater standards as well as offering an alternative to the consolidation of growth management functions. He advised that of the 20 Charter Counties, approximately one-half contain provision whereby the County Commission can adopt minimal standards in certain policy areas, such as environmental protection.

Vincent Long, Deputy County Administrator, utilized a power point presentation to explain how unified countywide environmental standards would provide consistency and certainty for the development community, while ensuring natural resources are protected. His presentation included a history, current consolidated efforts, and addressed issues such as stormwater standards and fees, different standards for urban and rural development, Environmental Protection Agency (EPA) and Department of Environmental Protection (EPA) pending regulatory changes, etc. He introduced David McDevitt, Growth Management Director and John Kraynak, Environmental Compliance Director, who were available to answer questions and address concerns from the CRC.

Mr. Long pointed out that in 1991 the Tallahassee-Leon County Comprehensive Plan adopted a policy which supported the return to one environmental management department and one set of regulations and the Comprehensive Plan required the establishment by 1993 of a unified single agency focused on environmental and natural resources protection and management. Mr. Long emphasized that the Comprehensive Plan is the law and the Charter is a mechanism to enforce that law.

Parwez Alam, County Administrator, addressed the Committee and explained that the Comprehensive Plan was developed by a group of citizens appointed by the City and County Commissions in 1986. He noted that the Comprehensive Plan requires that environmental regulations should be unified. He offered that the County has attempted consolidated efforts numerous times to no avail. Mr. Alam pointed out that the County incurred the entire cleanup cost of Lake Jackson and Lake Munson and opined that costs should be shared by the entire population of the county, not just unincorporated residents. He stressed the importance of a unified set of ordinances and codes and assured the CRC that both City and County staff and City and County Commissions would be involved in the development of the standards.

Speaker:

- Ann Bidlingmaier, 1920 Harriet Dr., stated that it was important and crucial to look at this issue, but opined it should not be done through the Charter as currently outlined as the result would be a degraded set of standards. She noted the need for a County Care of Premises Ordinance.

- William Proctor, 301 S. Monroe, expressed support for uniform environmental standards and expressed concern over the dumping of raw sewage in the Jake Gaither Community.

Mr. Bateman acknowledged that the Comprehensive Plan, which is the law, requires “one unified authority with regard to environmental” and this requirement can be enacted by the CRC’s endorsement of countywide standards. He stated that it was imperative that there be Countywide consistent unified standards.

There continued to be discussion and dialogue with staff on the establishment of minimum standards and countywide standards.

Ms. Harper conveyed her support for unified environmental regulations and suggested the following changes to the proposed language provided by staff.

Sec. 1.6 Relation to Municipal Ordinances. (2) Notwithstanding paragraph 1, County ordinances establishing minimum standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such minimum standards, procedures, requirements and regulations include, but shall not be limited to tree protection, landscaping, aquifer protection, stormwater, protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County. Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment.

Cathy Jones moved, duly seconded by Rick Bateman, to adopt the proposed language in the agenda packet which reads, “Section 1.6 Relation to Municipal Ordinances. Unified Environmental Regulations [2] County ordinances establishing standards, procedures, requirements and regulations for the protection of the environment shall prevail over municipal ordinances. Such standards, procedures, requirements and regulations include, but shall not be limited to, tree protection, landscaping, aquifer protection, stormwater, protection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County”, and move the issue to public hearing.

Ms. Harper offered a friendly amendment that the language include the last sentence she proposed, which reads, “Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment.” Ms. Jones accepted the friendly amendment.

The motion as amended carried 13-1 (Ralph Mason in opposition and Jon Ausman absent).

Chairman Holley requested that the CRC Membership/Structure Item be moved up on the Agenda. *Donna Harper moved, duly seconded by Lester Abberger, to change the order of the Agenda. The motion carried 14-0 (Jon Ausman absent)*

- c. CRC Membership/Structure provided an explanation of the issue.

Mr. Spitzer provided an explanation of the issue.

Mr. Bateman voiced opposition to the prohibition of employees of the Commissioners.

Rick Bateman moved, duly seconded by Lester Abberger, to accept the proposed language amended to remove "and their employees" from the language.

The Committee continued to deliberate this issue. Comments from the members included, but not limited to, the need to define local government, opposition to

elected officials staff, contentment with current process, and limitation on the number of public sector employees.

A substitute motion was offered by Lester Abberger, duly seconded by Dave Jacobsen, to remove the issue from the table and leave the Charter as it currently exists.

Shington Lamy provided clarity on the proposed language.

Mr. Bateman withdrew his original motion and Mr. Abberger withdrew his substitute motion.

A new motion was made by Rick Bateman and duly seconded by Donna Harper, to adopt the following language in Paragraph 2 (A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least ~~twelve (12) months~~ fifteen (15) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. Public hearings shall be conducted as provided by Section 125.63, Florida Statutes. All of the language in Paragraph 2 (B) and (C) shall remain as presented. The item is moved to public hearing.

Tom Napier offered a friendly amendment to prohibit husband, wife or relative living in the household. The friendly amendment was not accepted by Mr. Bateman.

Chuck Hobbs offered a friendly amendment to place into the language "When making appointments to the Citizen Charter Review Committee, the Board of County Commissioners shall attempt to include citizens from all segments of the Leon County community, reflecting the different viewpoints, age, gender, life experiences, professions and employment, race and ethnic backgrounds of the citizens in the County, and including consideration of representation of students currently enrolled in institutions of higher education." The friendly amendment was accepted by Mr. Bateman.

The motion as amended carried 12-2 (Sue Dick and Tom Napier in opposition and Jon Ausman absent).

d. Employment Policy of the County Administrator

Mr. Spitzer explained the issue to the Committee. He added to better clarify the language that “entire membership of the” be added after “....majority plus one(1) of the....” In both the hiring and termination of the County Administrator.

Ralph Mason moved, duly seconded by Lester Abberger, to approve the proposed language to include the suggested changes from Mr. Spitzer. The new language now reads: Sec. 2.3 (A) The County Administrator shall be appointed by, ~~and serve at the pleasure of the Board of County Commissioners~~ an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the

Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the Administrator was adopted by majority vote of those present and voting. (remainder of the existing language remains intact.) The item is moved to public hearing. The motion carried 13-1 (Donna Harper in opposition).

e. Non-Interference Clause

Mr. Spitzer noted that the proposed language attempts to guarantee separation of duties between the legislative and executive branch. He advised that the current language now includes the County Attorney.

Rick Bateman moved, duly seconded by Tom Napier, to adopt the language as presented and move the item to public hearing. The motion carried 13-0 (Linda NicholSEN out of Chambers and Jon Ausman absent).

f. Petition Threshold/Petition Prohibitions

Mr. Spitzer explained the item and indicated that it contained amendments as directed by the CRC.

Rick Bateman moved, duly seconded by Dave Jacobsen, to adopt the language as presented and move the item to public hearing.

Patrick Kinni, Deputy County Attorney, stated that line three of Sec 4.1 (1) should read “....Florida Constitution, general law or this Charter, upon petition signed by not less than ten seven...”

The motion as amended carried 12-0 (Donna Harper and Cathy Jones in opposition; Jon Ausman absent).

An overview of the actions taken by the CRC was provided by Chairman Holley.

Issues moved to first public hearing include:

- Countywide Environmental Standards
- Non-Interference Clause
- Employment Policy of the County Administrator
- Petition Threshold/Petition Prohibitions
- CRC Membership/Structure

- TDC Language (adopted 2/4/10)

Chairman Holley announced the following issues for discussion at the February 11, 2010 meeting. He noted that this was the final decision meeting prior to public hearing.

- Audit Clarification
- Utility Advisory Board
- Limitation of Campaign Contributions
- Human Rights Policy

VI. Other Business

Mr. Spitzer commented that minor technical amendments can be made to the proposed amendments based on comments received from the public hearings; however, he opined that significant policy changes should not be made to the amendments without additional public hearings being held.

Mr. Bateman ardently opposed a process whereby only minor changes can be made to an amendment as a result of the public hearing. He avowed that additional public hearing would have to be scheduled. Chairman Holley assured Mr. Bateman that additional public hearings would be scheduled if necessary.

VII. Adjournment with Day Fixed for Next Meeting

Mr. Napier clarified that the February 11 meeting would be held from 10:00 – 12:00.

The meeting was adjourned at 2:10 p.m.

LEON COUNTY

ATTEST:

Christopher Holley, Chairman

Bob Inzer, Clerk of Court

V.

REPORTS OF CHAIRPERSON

VI.

PRESENTATIONS BY INVITED GUESTS/CONSULTANT

VII.

REMARKS OF INTERESTED CITIZENS

VIII.

UNFINISHED BUSINESS

IX.

NEW BUSINESS

IX. (1): Decision Agenda

- a. Audit Clarification**
- b. Utility Advisory Board**
- c. Limitations on Campaign Contribution**
- d. Human Rights Policy**

Leon County Citizen Charter Review Committee

DECISION AGENDA


a. Audit Clarification

CITIZEN CHARTER REVIEW COMMITTEE

MEMORANDUM

DATE: February 11, 2010

TO: The Citizen Charter Review Committee

FROM: Parwez Alam, County Administrator 
Vincent S. Long, Deputy County Administrator
Shington Lamy, Special Projects Coordinator

SUBJECT: Proposed Charter Amendments on Auditing

The following attachments include: the initial charter amendment proposal that was provided by the County Attorney's Office on the codification of Leon County's auditing practices (Attachment #1); merged language of the initial charter amendment proposal and a second proposal that was sent to the Clerk of Court by the County Attorney's Office on February 2, 2010 (Attachment #2); and correspondence from the Audit Committee which includes a third proposal for a charter amendment on the Clerk's audit functions (Attachment #3).

CC: Herb Thiele, County Attorney
Kurt Spitzer, Kurt Spitzer and Associates

Attachment #1: County Attorney's Initial Charter Amendment Proposal on Leon County Auditing Practice

Attachment #2: Merged Language of the County Attorney's Initial Charter Amendment Proposal and a Second Proposal

Attachment #3: The Leon County Audit Committee's Correspondence to the Charter Review Committee and the Audit Committee's Proposed Charter Amendment

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE III, ELECTED COUNTY CONSTITUTIONAL OFFICERS; AMENDING SECTION 3.1, PRESERVATION OF CONSTITUTIONAL OFFICES; AMENDING SECTION 3.3, CLERK AUDITOR; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article III, Section 3.1 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 3.1. Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as specifically provided herein in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Section 2. Article III, Section 3.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 3.3. Clerk auditor.

1 (1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission
2 as specified herein by law. The Clerk as Auditor shall conduct a pre-audit review of all county
3 expenditures prior to disbursement of funds, and the accounts of the County Commission shall
4 be subject to the inspection and examination of the Auditor. Postpayment, operational, financial,
5 or performance audits of County Commission accounts and records may only be performed by
6 the Auditor upon the direction or consent of the County Commission. The Clerk shall employ a
7 Certified Internal Auditor, Certified Public Accountant, or such other person qualified by
8 education or experience in governmental accounting, internal auditing practices and fiscal
9 controls, which shall include at least five (5) years experience in professional accounting,
10 auditing, governmental fiscal administration or related experience, unless the Clerk holds such
11 qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

12 (2) Audit Committee. There shall be a five member Audit Committee of which two
13 members shall be appointed by the County Commission and three by the Clerk. The Audit
14 Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the
15 Auditor. The Audit Committee may recommend the Auditor conduct postpayment, operational,
16 financial, or performance audits of County Commission accounts. The Audit Committee
17 members shall be residents of Leon County, none of whom may be an employee or officer of
18 County government, and who have experience as a public accountant, internal auditor, or as a
19 financial manager for a public, private or not for profit institution. The purpose of the
20 Committee is to promote, maintain, and enhance the independence and objectivity of the internal
21 audit function by ensuring broad audit coverage, adequate consideration of audit reports, and
22 appropriate action on recommendations. Clerk shall provide for the organization and duties of

the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Section 3. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on _____.

Section 4. Ballot Question Form.

The question on the ballot shall be substantially in the following form:

**AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA
AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-____**

Question

Yes for Approval _____

No for Rejection _____

Section 5. Further Authorization.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the special election of _____. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 6. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the _____, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective _____, if the Charter amendment is approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the _____, referendum.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2010.

LEON COUNTY, FLORIDA

By: _____
Bob Rackleff, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By: _____
Clerk

1 APPROVED AS TO FORM:
2 COUNTY ATTORNEY'S OFFICE
3 LEON COUNTY, FLORIDA
4

5
6 By: _____
7 Herbert W. A. Thiele, Esq.
8 County Attorney

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE III, ELECTED COUNTY CONSTITUTIONAL OFFICERS; AMENDING SECTION 3.1, PRESERVATION OF CONSTITUTIONAL OFFICES; AMENDING SECTION 3.3, CLERK AUDITOR; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article III, Section 3.1 of the Home Rule Charter of Leon County, Florida,

is hereby amended to read as follows:

Sec. 3.1. Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as specifically provided herein in ~~Section 5.2 below.~~ The constitutional officers shall perform their executive and administrative functions as provided by law.

Section 2. Article III, Section 3.3 of the Home Rule Charter of Leon County, Florida,

is hereby amended to read as follows:

Sec. 3.3. Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified herein by law. ~~as specified by law.~~ The Clerk as Auditor shall conduct a pre-audit review of all county expenditures prior to disbursement of funds, and the accounts of the County Commission shall be subject to the inspection and examination of the Auditor. Postpayment, operational, financial, or performance audits of County Commission accounts and records may only be performed by the Auditor upon the direction or consent of the County Commission. The Clerk as Auditor shall conduct financial compliance audits of County Commission accounts to implement the Audit Committee's annual plan of work. Performance audits of County Commission accounts may only be performed by the Auditor upon the direction or consent of the County Commission. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee. There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor to conduct financial compliance audits and shall oversee the work of the Auditor. The Audit Committee may recommend the Auditor conduct postpayment, operational, financial, or performance audits of County Commission accounts. Financial compliance audits shall consist of an examination of

Commission accounts and financial statements in order to express an opinion on the fairness with which they are presented in accordance with generally accepted accounting principles and auditing standards. The Audit Committee may, subject to County Commission approval, require the Auditor conduct performance audits of County Commission accounts as part of its annual plan of work. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Section 3. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on _____.

Section 4. Ballot Question Form.

The question on the ballot shall be substantially in the following form:

**AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA
AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

Question

Yes for Approval _____

No for Rejection _____

Section 5. Further Authorization.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the special election of _____. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 6. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the _____, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective _____, if the Charter amendment is approved by a “yes” vote by a majority

1 of those duly qualified electors voting on the question posed at the _____,

2 referendum.

3 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon

4 County, Florida, this _____ day of _____, 2010.

5
6 LEON COUNTY, FLORIDA

7
8
9 By:_____

10 Bob Rackleff, Chairman

11 Board of County Commissioners

12
13
14 ATTESTED BY:

15 BOB INZER, CLERK OF THE COURT

16 LEON COUNTY, FLORIDA

17
18
19 By:_____

20 Clerk

21
22
23 APPROVED AS TO FORM:

24 COUNTY ATTORNEY'S OFFICE

25 LEON COUNTY, FLORIDA

26
27
28 By:_____

29 Herbert W. A. Thiele, Esq.

30 County Attorney



Leon County

Audit Advisory Committee

Committee established by Leon County Home Rule Charter on November 5, 2002

February 8, 2010

Mark Ryan

Chair

*Sanders, Sanders &
Holloway, PA*

Bobby Bacon

Earl Bacon Agency

Kim Mills

*Office of the Chief Inspector
General*

Sandy Robertson

*American Guaranty Fund
Group*

Ron Webster

*FL Association of Court
Clerks and Comptroller*

Samuel Scallan, CPA

*Staff to AAC
Clerk's Office
Internal Auditing Division*

*315 S. Calhoun Street, #450
Tallahassee, FL 32301*

Phone: 850.577.4252

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Mr. Chris Holley, Chairman
Charter Review Committee
Leon County Courthouse
Tallahassee, FL 32301

Dear Mr. Holley:

We have previously written you (attached) regarding the proposed revisions to the Charter as they relate to the Clerk's audit authority. We have reviewed minutes of the December 10, 2009 CRC meeting (attached) as well as verbatim excerpts of the videotape of that meeting (attached). From this we understand that the Clerk has asked that language in the charter addressing and defining the authority of the Clerk to conduct audits of the County be clarified and in this regard, the County Attorney was directed to codify the current process and practice. As previously mentioned, we believe that the initial language proposed by the County Attorney does not represent the current practice and goes far past this intent, severely limiting the Clerk's ability to safeguard the public's financial best interests.

The Audit Advisory Committee held a special meeting Friday, February 5, 2010 and discussed revisions to the proposed language suggested by the County Attorney as well as that proposed by the Clerk. Mr. Thiele was invited to our meeting, but neither he nor his associate could attend. We discussed our concerns with Mr. Inzer and have developed language that is agreeable to him and this Committee. The attached language is a codification of the current practice of the Internal Audit Division under the direction of the Clerk of Courts as it has existed in recent years. Specifically, work assignments of the auditor have required approval of the Audit Committee as adopted in the annual plan of work. This mandate is included in the current County Charter and we have upheld that mandate. The audit assignments we have made have not required the prior approval of the Board of County Commissioners.

To further explain the process, you should know that the current practice follows national guidelines and provides that audit assignments be determined based on a periodic, county-wide risk assessment undertaken by the Internal Audit Division. During this process they seek input from key County and Clerk staff in an effort to identify risks to both. The areas identified in this process are sorted and weighted by risk, incorporated into an annual work plan and submitted to this Committee. We review the submission, making changes as appropriate and adopt the work plan of the auditor. This is the process that has been in place since the County Charter was approved by the voters of Leon County.

Under this process numerous audits have been conducted on various aspects of the County without prior, express permission of the Board of County Commissioners. This process is critical to maintaining the independence of the audit function.

Since inception of the internal audit function, audits of Board books, accounts and internal controls have been conducted, including: a review of landfill revenues, facilities management parking revenues, MIS-revenues and selected expenditures, Board travel, library revenue cycle, Tourist Development Council controls & compliance, Growth Management Support Services cash collection procedures, Leon County Emergency Medical Services controlled substances and procedures for controlled substances, Advantis management contract compliance for Bank of America tower, and fleet management controls over fuel and repair costs.

In closing, we want your committee to understand that in codifying the current practice in the proposed revision to the Charter, the Clerk seeks to transfer his authority to select audits of the Board to the Audit Advisory Committee. Such an action will ensure broad audit coverage while promoting the independence and objectivity of the Clerk's audit function. The language we have proposed codifies this practice and we urge you to adopt it.

With regards,

A handwritten signature in black ink, appearing to read "Mark Ryan".

Mark Ryan, Chair
Leon County Audit Advisory Committee

MR/SS/cam
Attachments (4)

cc: Members of the Charter Review Committee
Herb Thiele, County Attorney
Audit Advisory Committee



Leon County

Audit Advisory Committee

Committee established by Leon County Home Rule Charter on November 5, 2002

Mark Ryan

Chair

*Sanders, Holloway & Ryan,
PA*

Bobby Bacon

Earl Bacon Agency

Kim Mills

*Office of the Chief Inspector
General*

Sandy Robertson

*American Guaranty Fund
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Phone: 850.577.4252

Fax: 850.577.4037

January 28, 2010

Leon County Citizen Charter Review Committee
Leon County, Florida

Dear Committee Members:

At the January 19, 2010, Leon County Audit Advisory Committee meeting, the Committee members authorized me to write and share our thoughts with you on the proposed revision to the Leon County Charter.

The Leon County Charter (Charter), adopted by the vote of Leon County citizens, states, in relevant part, "There shall be a five member Audit Committee...." In accordance with the Charter, the Audit Committee has been conducting quarterly meetings since 2006. We held our most recent meeting on January 19, 2010. We were informed at this meeting about a proposed revision to the Charter. This proposed revision would restrict the Leon County Clerk of the Court (Clerk) to performing pre-audit reviews except either when the County Commission directed or gave permission for the Clerk to conduct audits of public funds expended by the county. The proposed revision specifically states the Clerk can not perform post-payment, operational, financial, or performance audits unless allowed by the County Commission.

The Audit Committee finds this proposed revision very troubling. It would severely limit the Clerk's ability to determine that public funds are being spent in accordance with the intentions and to the best benefit of Leon County citizens. Simply put, reminiscent of the adage regarding henhouses, this proposed revision would result in the entity spending public funds deciding itself what is and, importantly, is not subject to independent audit.

Additionally, the Audit Committee believes that this proposed revision would prevent it from performing the responsibilities with which it was entrusted by Leon County voters when the Charter was adopted.

The Charter states, in relevant part, "The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage,..." (Emphasis added.) This language in the Charter is consistent with the Best Practices for Audit Committees issued by the Government Finance Officers Association (GFOA.) The GFOA, which promotes the management of governments for the public benefit, discusses in this Best Practice the value of an audit committee as a means to provide independent review of the government's financial reporting processes and internal controls. This Charter language is also consistent with the November 13, 2009 ruling by the District Court of Appeal of the State of

Florida, Second District. The District Court of Appeal stated in its ruling that post-payment audits are necessary to effectively carry out the Clerk's duty to ensure that county funds are expended only as authorized by law. The Court also discussed in their ruling the importance of post-payment audits in testing the soundness of internal controls and in guarding against the illegal use of county funds.

Currently, in discharging its responsibility under the Charter, the Audit Committee reviews and approves the Clerk's annual audit plan. The proposed revision would make this independent review and approval ineffective by making the County Commission the final authority on all audits (except for the inherently limited pre-audit reviews).

We applaud your committee "cleaning up" any language in the Charter towards enhancing its clarity. However, we suggest that the proposed revision goes far past this intent, and instead severely limits the Clerk's ability to safeguard the public's financial best interests. Accordingly, we ask you thoughtfully consider the points discussed in this letter in evaluating the proposed revision to the Charter.

With regards,



Mark Ryan, Chair
Leon County Audit Advisory Committee

MR/RW/cam

cc: Bob Inzer, Clerk of Court
John Stott, Chief Deputy Clerk
Gypsy Bailey, Esq., Clerk Legal Counsel
Parwez Alam, County Administrator
Herb Thiele, Esq., County Attorney
Shington Lamy, Special Projects Coordinator
Sam Scallan, Auditor, Clerk's Internal Auditing Division
Kurt Spitzer

**CITIZEN CHARTER REVIEW COMMITTEE
DECEMBER 10, 2009
Leon County Courthouse**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森 Donna Harper, Jon Ausman, Ralph Mason, Cathy Jones, Rick Bateman, Sue Dick, Lester Abberger, Lance deHaven-Smith, Larry Simpson. Absent were Chuck Hobbs and Tom Napier. Also attending were Parwez Alam, Herb Thiele, Vince Long, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause

I. Call to Order

Chairman Holley called the meeting to order at 11:40 a.m.

II. Invocation and Pledge

The invocation was provided by Rick Bateman. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Lester Abberger moved, duly seconded by Sue Dick, to approve the November 19, 2009 minutes. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley shared that his outreach efforts have included:

- A meeting was held with Maryann Lindley, Tallahassee Democrat, to inform her of the January 7, 2010 evening meeting and to encourage citizen participation and input.
- He will meet with City Manager Anita Favors next week to share some of the issues on the Committee's agenda and to invite her to attend a future meeting.
- Noted there had been an interest to include involvement of the Council of Neighborhood Associations (CONA) in the process. Vince Long indicated that he would invite a CONA representative to attend the January 7, 2010 meeting.

VI. Presentations by Invited Guests/Consultant

1. Presentation by Constitutional Officers

a. Clerk of Court Bob Inzer

Mr. Inzer presented a power point presentation that provided a detailed overview of his offices responsibility, structure and function. He noted that his office is governed by the Florida Constitution and Statutes. Duties of the Clerk's Office include:

- Clerk to Board of County Commissioners;
- Accountant for the Board;
- Auditor;
- County Recorder, and
- Clerk of Circuit and County Courts

There was dialogue between Mr. Inzer and the Committee regarding these responsibilities. There was further discussion regarding the role of the Clerk's Office in its auditing responsibilities.

Mr. Inzer shared that an Audit Committee has been established and is functioning well. However, he stated that there was concern that the current Charter language which

provides the Clerk with its audit authority references State Statute and noted that there was a potential impact from a Collier County lawsuit and its effect on State Statute language. He mentioned that it would be helpful for the Charter to clarify his role is in the audit function. Mr. Thiele concurred that the current Statute is ambiguous and has resulted in the filing of lawsuits, specifically in Collier County where their Board has challenged the authority of its Clerk's Office and its auditing authority. There was considerable discussion and support from the Committee to alleviate any conflicting language in the County's Charter.

Mr. Bateman suggested that the County Attorney and Clerks office collaborate on proposed language that could be incorporated into the Charter which would codify the current process used in the County and remove any conflicting language. Mr. Thiele stated that he would prepare this language for the Committee's review.

Ms. Harper and Mr. Abberger asked Mr. Inzer's opinion on what potential Charter issues could be problematic or have repercussions in the community. Mr. Inzer responded that he was unaware of any issues that would be applicable here as the Charter is working well and that the County has a fiscally sound government that is well prepared and structured.

Chairman Holley asked Mr. Inzer's opinion on partisan/non partisan elections as this was an issue that the Committee would address and commented that would ask this question of each Constitutional Officer. Mr. Inzer commented that he was comfortable with the current process.

Chairman Holley voiced his desire to streamline County government to make more efficient in areas such as integrated computer systems, human resources, and risk management and discussed with Mr. Inzer ways that his office could work with the County in this regard, while continuing to maintain some control and independence.

Chairman Holley confirmed with Mr. Inzer that there was not a budget appeal process on funds received from the Commission.

Mr. Ausman inquired if there were "best practices" that should be included in the Charter. Mr. Inzer stated that Clerks statewide are actively engaged in best practices activities and have created a "Best Practices Committee" that is moving toward standardization of activities and processes and finding the most efficient way to deliver services.

Prior to the Tax Collector's presentation, Ms. Harper suggested that the Committee determine if it will include or exclude the Superintendent and School Board in its deliberations on the County Charter.

b. Tax Collector Doris Maloy

Ms. Maloy utilized a power point presentation to share information regarding her office. Highlights of her presentation included:

- Enters into contracts with other state agencies, i.e., Dept. of Highway Safety & Motor Vehicles and the Fish and Wildlife Conservation Commission;
- Mission Statement: Educate, Collect and Distribute;
- Is considered a fee based office which generates revenue; therefore receives no appropriation;
- 2009/10 Budget is \$6.3 million, which is 2% less than the 2008/09 budget;
- \$7.2 million generated from fees last year;
- All fees and commissions are set in statute;
- Major functions of her office include: operations, tax administration, financial services, general administration and information systems;
- Described interaction with County and other Constitutionals;

Ms. Maloy opined that the current Charter is working effectively.

Mr. Bateman asked if it was within the Charter's purview to direct how the Tax Collector administers non-mandated vs mandated services. Mr. Spitzer responded that there was some discretion on non-mandated services; however mandated functions would still have to be conducted. Ms. Maloy pointed out that it has been her offices position to provide these services as staff are available and the public is expectant to be able to receive these services at her locations.

Mr. Ausman inquired if there were "best practices" that should be included in the Charter. Ms. Maloy indicated that she spends a lot of time keeping up with other Tax Collector practices around the state and is on target with all best practice activities.

Chairman Holley asked Ms. Maloy's opinion on partisan vs. non-partisan elections and established that Ms. Maloy favored that the elections process continue in its current form.

VII. Remarks of Interested Citizens

None

VIII. Unfinished Business

1. Analysis of the Citizen Charter Review Committee's Legal Scope of Board and County Commissioners Charter Issues 5:30 at the commission chambers.

Chairman Holley led discussion on the formation of the Committee's Issues Agenda for the December 17, 2009 and January 7, 2010 meetings. The following agenda was agreed upon.

- Full Consolidation/Functional Consolidation: placed on January 7th Issue Agenda
- Countywide Stormwater Standards/Environmental Ordinances: placed on January 7th Issue Agenda
- Tourist Development Council Structure: placed on its **Decision Agenda**
- Non-partisan elections: placed on its December 17th Issue Agenda
- Lower Charter Petition Threshold: placed on its December 17th Issue Agenda
- Protection of Water Supply: did not agenda
- Annexation Policy: placed on January 7th Issue Agenda
- Charter Officers/Constitutional Officers: placed on January 7th Issue Agenda
- Commission Structure/District Schemes: placed on its December 17th Issue Agenda
- Chairman of the Board of County Commissioners: placed on its December 17th Issue Agenda
- Campaign Finance Reform: No action taken, however the Committee identified for possible future issue agenda
- Intellectual Property: did not agenda
- Petroleum Commission: did not agenda
- One House Per Ten Acres: did not agenda
- Affordable Housing: No action taken, however the Committee identified for possible future issue agenda
- Southside Projects and sewer infrastructure: No action taken, however the Committee identified for possible future issue agenda
- Citizen Utility Review Advisory Board: No action taken, however the Committee identified for possible future issue agenda

Chairman Holley requested that a revised schedule be distributed. Mr. Lamy indicated that this would be done.

IX. New Business

1. Charter Issues

- a. Tourist Development Council Structure
Jon Ausman moved, duly seconded by Sue Dick, to codify the current Tourist Development Council structure, which places the TDC Program under the County Administrator. The motion carried unanimously.
- b. Non-Partisan Elections was rescheduled to December 17, 2009.
- c. Annexation Policy rescheduled for January 7, 2010.

2. Staff/Consultant Discussion (Pertinent Updates)

Mr. Lamy suggested that the December 17, 2009 meeting be extended to 2:00 p.m. This was accepted by the Committee. Chairman Holley recommended that future Constitutional Officer presentations be limited to a total of 30 minutes (15 minutes presentation and 15 minute question and discussion)

3. Member discussion (Direction to Staff/Consultant)

None

X. Adjournment with Day Fixed for Next Meeting

The next meeting of the CRC will be held on December 17, 2009 from 11:30 – 2:00 in the Commission Chambers.

Mr. Ausman moved, duly seconded by Dave Jacobson, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 1:55 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

The following is an excerpt, verbatim, of the discussion following Bob Inzer, Clerk of the Court's presentation to the Charter Review Committee on December 10, 2009.

Rick Bateman: Mr. Chairman. If our Clerk thinks it's confusing language regarding their authority and what they are supposed to be doing in the Charter, I don't know where do we get the resources to try to clear up that language but we need to get Legal and the Clerk to get together and propose us some language or give us an analysis or an evaluation of what we can do to clear that up. Because if operating effectively and the pending court suit we need to sort of evaluate how we can nip that in the bud and not wait on the lawsuit to come down. Mr. Inzer would that help?

Clerk Inzer: The County Attorney is here as well. The language specifically says that our authority is only as provided by State Statute and the Charter's implementing language pursuant to State Statute. If in fact there is no State authority for, specific authority in the statute or by state law, for auditing then the language in the Charter is non- executing.

Chairman Holley: Let me clarify (to the Clerk). What we heard you say was, the way it's been functioning here in Leon, under this language that's in the Charter, what you've said is that there is a pending case possibly before the Supreme Court that might change the view of what State Statute say in a court ruling. And what Rick's asking is would you welcome, or is there a way to eliminate any ambiguity while we are in this process of the difference between what a court may say and what you've been operating under the past 10 years.

Rick Bateman: Are you saying that basically you're given your authority by virtue of the Charter and the Charter also recites the fact that you are given your authority by Florida Statute. Why not just strike the language?

Clerk Inzer: This is a legal issue. Want to get his (County Attorney's) opinion.

Rick Bateman: Herb, if we just struck the language reciting the authority given from the statute and just grant him that audit authority, wouldn't that take that court case out of play for us?

County Attorney Thiele: The answer is the Statute really is not clear either. That's what has prompted the litigation they have been referring to. The Clerk is in Collier, Mr. Brock and there's been nine lawsuits between Mr. Brock and the Collier County Commission I think over the last few years. They don't get along. To the extent that there is a desire by this Body to look into, if you would, codifying the current practice that's probably not a bad idea.

Rick Bateman: Don't you think Mr. Chairman, I mean, if we see a potential problem.

Chairman Holley: If something happens in the court and I'm not saying. There's a great relationship here, obviously people change and down the road if we can eliminate the problem that may arise because of a court ruling where a new Clerk or something does something, and all of a sudden they are at odds, where we clarify your role. We want friendly amendments here.

Clerk Inzer: I understand. Let me say that obviously I'm the Clerk today, but I won't be the Clerk always. Not sure how much longer that will last, obviously I know who's going to be the Clerk the next three years subject to me being alive. I don't plan on getting removed for any reason, in case you're wondering. Who knows what the future's going to bring and again I'm very sensitive to the role of the Clerk vs the role of management in performance related audits. And even putting language in there that would be restrictive if you will unless requested on performance related issues would be something that might be helpful as well.

Chairman Holley: Everybody understand what we're talking about? There is a potential I guess through this court ruling that if it goes in the favor of the Collier Clerk where there could be some ambiguity in our Charter.

Lester Abberger: I think it would be helpful if someone could restate what the issue is. I'm not clear on it.

Chair Holley: Herb probably understands the Collier case better than I do. He (Mr. Brock) has taken the vagueness in the statute to an extreme, in some peoples opinion, in terms of his auditing function and without getting into the specifics of that case I'll just leave it at that and has been challenged by the Commission and has been successful and now if Bob's language says subject to statute and you have a court ruling that moves it past where our county function would be helpful to clarify in our charter what his role is in the audit function.

Lester Abberger: So the issue that we're, Mr. Bateman has suggested we address, relates to the responsibility of the Clerk for audits.

Chair Holley: I think the concept is instead of having language that references State Statute that we would try to codify the current process that's used here in our County.

Rick Bateman: Yes if I may, now what the state statute says is up for interpretation and we're saying well he has the authority given to him by State Statute but we don't know what that is so would it be better for the Clerk particularly and for the whole local government to actually codify in our Charter what his responsibilities are.

County Attorney Herb Thiele: And I think it would be, we have a great working relationship with the Clerk's Office and bob and I talk all the time about different things, golf, whatever. I think there is a really good shot that we can codify something that's acceptable to the Clerk of the Courts Office and the County Commission and have it ready for you all to consider.

Rick Bateman: that would be great.

Chair: Everybody ok, everybody alright?

There was discussion between Mr. Inzer and the Board related to other matters that the Committee may engage.

Rick Bateman: I didn't want to move away. Did we decide by consensus to get something back that was a compilation of the staff and legal with the clerk to try to

codify the responsibilities for the Clerk as it related to audits outside the Statute. We kind of talked about it and moved away.

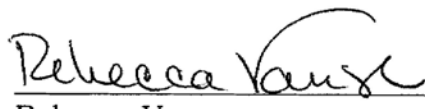
Chairman Holley: Can we consensus on that, or do we need to save that for an issues vote on an agenda?

County Attorney Thiele: I took that as you wanted me to bring something back.

Donna Harper: Would also like to have the opportunity to make certain that we remain open with this. It is an issue I think that deserves discussion and that is obviously there are pluses to codifying and there are also minuses. When you codify (inaudible) as I said there are pluses and minuses and I would like to make certain that we do discuss both.

I attest and certify that this is a true verbatim excerpt from the December 10, 2009 meeting.




Rebecca Vause
Recording Secretary
Leon County Citizen Charter
Review Committee

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE III, ELECTED COUNTY CONSTITUTIONAL OFFICERS; AMENDING SECTION 3.1, PRESERVATION OF CONSTITUTIONAL OFFICES; AMENDING SECTION 3.3, CLERK AUDITOR; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON _____; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FUTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,

that:

Section 1. Article III, Section 3.1 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 3.1. Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as specifically provided herein ~~in Section 5.2 below~~. The constitutional officers shall perform their executive and administrative functions as provided by law.

Section 2. Article III, Section 3.3 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 3.3. Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission ~~as specified by law.~~ The Clerk as Auditor shall conduct audits of County Commission books, accounts and internal controls solely in accord with the Audit Committee's adopted plan of work. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk. The language in this section shall be construed to be in addition to any authority given the Clerk by the Constitution or by statute.

(2) Audit Committee. There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee may include in the work plan performance audits, the scope of which is to evaluate the efficiency and effectiveness of management decisions, subject to approval by the County Commission. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Section 3. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on _____.

Section 4. Ballot Question Form.

The question on the ballot shall be substantially in the following form:

**AMENDMENT TO HOME RULE CHARTER OF LEON COUNTY, FLORIDA
AS PROPOSED BY LEON COUNTY ORDINANCE NO. 2010-__**

Question

Yes for Approval _____

No for Rejection _____

Section 5. Further Authorization.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the special election of _____. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 6. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a

1 separate and independent provision and such holding shall not affect the validity of the
2 remaining portions thereof.

3 **Section 7. Effective Date.**

4 This ordinance shall have effect upon becoming law, but shall be of no further force or
5 effect if the proposed Charter amendments are not duly approved at the
6 _____, special election. The amendments to the Home Rule Charter of
7 Leon County, Florida, as proposed by this Ordinance, shall become effective
8 _____, if the Charter amendment is approved by a “yes” vote by a majority
9 of those duly qualified electors voting on the question posed at the _____,
10 referendum.

11 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
12 County, Florida, this _____ day of _____, 2010.

13
14 LEON COUNTY, FLORIDA
15

16
17 By: _____
18 Bob Rackleff, Chairman
19 Board of County Commissioners
20

21
22 APPROVED AS TO FORM:
23 COUNTY ATTORNEY’S OFFICE
24 LEON COUNTY, FLORIDA
25

26
27 ATTESTED BY:
28 BOB INZER, CLERK OF THE COURT
29 LEON COUNTY, FLORIDA
30

27 By: _____
28 Herbert W.A. Thiele, Esq.
29 County Attorney
30

27 By: _____
28 Bob Inzer, Clerk
29
30

Leon County Citizen Charter Review Committee

DECISION AGENDA

b. Utility Advisory Board

Utility Advisory Board

There is created a Utility Advisory Board which shall consist of seven members who shall be appointed by the board of county commissioners for staggered terms of four years each. At least three members shall be residents of the City of Tallahassee. The Utility Advisory Board shall study, investigate and make recommendations concerning utility rates, planning for and expansion of utility service areas, and maintenance activities to the providers of water, sewer, natural gas, electric and other utility services within Leon County. The county director of public works and county director of growth management shall serve as ex-officio members of the Utility Advisory Board.

Leon County Citizen Utility Advisory Board

Created; duties and responsibilities.

- (a) There is hereby created and made a part of the government of Leon County, a utilities advisory board to be known and designated as the Leon County Citizen Utility Advisory Board, which shall study, investigate, and make recommendations to the Board of County Commissioners and City of Tallahassee City Commission concerning utility rates, planning for and expansion of utility service areas, and maintenance activities to the providers of water, sewer, natural gas, electric and other utility services within Leon County. Recommendations, studies, and findings shall be made available to all utility providers within Leon County.

Composition; membership, qualifications, appointments, compensation, election and duties of officers, meetings, vacancies, removal.

- (a) The Citizen Utility Advisory Board shall consist of seven (7) members of which three (3) shall be appointed by the Leon County Board of County Commissioners, three (3) shall be appointed by the City of Tallahassee City Commission, and one (1) shall be appointed by the Tallahassee-Leon County Council of Neighborhood Associations, for staggered terms of four years each. The Leon County Administrator, or his/her designee and City of Tallahassee City Manager, or his/her designee shall serve as ex-officio members of the Citizen Utility Advisory Board.
- (b) Each member shall be a resident and elector of Leon County. Elected officials and employees of Leon County and the City of Tallahassee shall be prohibited from serving on the Citizen Utility Advisory Board. When making appointments, the Board of County Commissioners, City Commission, and Council of Neighborhood Associations shall attempt to include citizens from all segments of the Leon County community, reflecting the different viewpoints, age, gender, life experiences, professions and employment, race and ethnic backgrounds of the citizens in the County.

- (c) The Board of County Commissioners, City Commission, and Council of Neighborhood Associations, shall, within ninety (90) days upon this article becoming law, appoint by a majority vote, their respective members as provided herein, two of whom shall serve for one (1) year, two of whom shall serve for two (2) years, two of whom shall serve for three (3) years, and one of whom shall serve for four (4) years, each of such terms to commence the first day of each new fiscal year. The Board of County Commissioners and City Commission shall each appoint one member for the one-, two-, and three-year terms, and the Council of Neighborhood Associations shall appoint a member for the four-year term of the Citizen Utility Advisory Board. Thereafter, the term of each member shall be for four (4) years; however, each member shall hold such office until his successor has qualified and been appointed. No member of the Citizen Utility Advisory Board shall serve more than two (2) consecutive terms.
- (d) Members of the Citizen Utility Advisory Board shall not be compensated.
- (e) The Citizen Utility Advisory Board by majority vote shall elect from among its members a chairman, who shall preside over the meetings of the Advisory Board, a vice-chairman who shall act for the chairman during his/her absence, and a recording secretary.
- (f) The Advisory Board shall meet at least once each month. All meetings shall be open to the public and minutes shall be kept of all meetings; copies of such minutes shall be furnished to the Board of County Commissioners and City Commission within fourteen (14) days of such meeting.
- (g) Vacancies shall be filled for the unexpired term in the same manner as provided for appointment. No vacancy shall impair the right of the remaining members to exercise all the powers of the Advisory Board.
- (h) Any member may be removed for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony.

Leon County Citizen Charter Review Committee

DECISION AGENDA

c. Limitations on Campaign Contribution

Limitations on Campaign Contributions

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250.

Leon County Citizen Charter Review Committee

DECISION AGENDA

d. Human Rights Policy

Protection of Human Rights

The County shall establish provisions for the protection of citizen human rights from discrimination based upon religion, creed, sexual orientation, political affiliation, race, color, age, gender, disability, familial status, marital status, or national origin by providing and ensuring equal rights and opportunities for all citizens of the County.

IX. (2): Staff/Consultant Discussion

IX. (3): Member Discussion

X.

**ADJOURNMENT WITH DAY FIXED FOR
NEXT MEETING**